

"(ii) INDIVIDUALS TO WHOM DEEMING APPLIES.—An individual is described by this clause if—

"(I) vaccinia vaccine was administered to such individual as provided by subparagraph (B); and

"(II) such individual was within a category of individuals covered by a declaration under subparagraph (A)(i)."

(C) EXHAUSTION; EXCLUSIVITY; OFFSET.—Section 224(p)(3) of such Act (42 U.S.C. 233(p)(3)) is amended to read as follows:

"(3) EXHAUSTION; EXCLUSIVITY; OFFSET.—

"(A) EXHAUSTION.—

"(i) IN GENERAL.—A person may not bring a claim under this subsection unless such person has exhausted such remedies as are available under part C of this title, except that if the Secretary fails to make a final determination on a request for benefits or compensation filed in accordance with the requirements of such part within 240 days after such request was filed, the individual may seek any remedy that may be available under this section.

"(ii) TOLLING OF STATUTE OF LIMITATIONS.—The time limit for filing a claim under this subsection, or for filing an action based on such claim, shall be tolled during the pendency of a request for benefits or compensation under part C of this title.

"(iii) CONSTRUCTION.—This subsection shall not be construed as superseding or otherwise affecting the application of a requirement, under chapter 171 of title 28, United States Code, to exhaust administrative remedies.

"(B) EXCLUSIVITY.—The remedy provided by subsection (a) shall be exclusive of any other civil action or proceeding for any claim or suit this subsection encompasses, except for a proceeding under part C of this title.

"(C) OFFSET.—The value of all compensation and benefits provided under part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents."

(d) REQUIREMENT TO COOPERATE WITH UNITED STATES.—Section 224(p)(5) of such Act (42 U.S.C. 233(p)(5)) is amended in the caption by striking "DEFENDANT" and inserting "COVERED PERSON".

(e) AMENDMENT TO DEFINITION OF COVERED COUNTERMEASURE.—Section 224(p)(7)(A)(i)(II) of such Act (42 U.S.C. 233(p)(7)(A)(i)(II)) is amended to read as follows:

"(II) used to control or treat the adverse effects of vaccinia inoculation or of administration of another covered countermeasure; and"

(f) AMENDMENT TO DEFINITION OF COVERED PERSON.—Section 224(p)(7)(B) of such Act (42 U.S.C. 233(p)(7)(B)) is amended—

(1) by striking "includes any person" and inserting "means a person";

(2) in clause (ii)—

(A) by striking "auspices" and inserting "auspices—";

(B) by redesignating "such countermeasure" and all that follows as clause (I) and indenting accordingly; and

(C) by adding at the end the following:

"(II) a determination was made as to whether, or under what circumstances, an individual should receive a covered countermeasure;

"(III) the immediate site of administration on the body of a covered countermeasure was monitored, managed, or cared for; or

"(IV) an evaluation was made of whether the administration of a countermeasure was effective;"

(3) in clause (iii) by striking "or";

(4) by striking clause (iv) and inserting the following:

"(iv) a State, a political subdivision of a State, or an agency or official of a State or of such a political subdivision, if such State, subdivision, agency, or official has established requirements, provided policy guidance, supplied technical or scientific advice or assistance, or otherwise supervised or administered a program with respect to administration of such countermeasures;

"(v) in the case of a claim arising out of alleged transmission of vaccinia from an individual—

"(I) the individual who allegedly transmitted the vaccinia, if vaccinia vaccine was administered to such individual as provided by paragraph (2)(B) and such individual was within a category of individuals covered by a declaration under paragraph (2)(A)(i); or

"(II) an entity that employs an individual described by clause (I) or where such individual has privileges or is otherwise authorized to provide health care;

"(vi) an official, agent, or employee of a person described in clause (i), (ii), (iii), or (iv);

"(vii) a contractor of, or a volunteer working for, a person described in clause (i), (ii), or (iv), if the contractor or volunteer performs a function for which a person described in clause (i), (ii), or (iv) is a covered person; or

"(viii) an individual who has privileges or is otherwise authorized to provide health care under the auspices of an entity described in clause (ii) or (v)(II)."

(g) AMENDMENT TO DEFINITION OF QUALIFIED PERSON.—Section 224(p)(7)(C) of such Act (42 U.S.C. 233(p)(7)(C)) is amended—

(1) by designating "is authorized to" and all that follows as clause (i) and indenting accordingly;

(2) by striking "individual who" and inserting "individual who—"; and

(3) by striking the period and inserting "; or

"(ii) is otherwise authorized by the Secretary to administer such countermeasure."

(h) DEFINITION OF "ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE".—Section 224(p)(7) of such Act (42 U.S.C. 233(p)(7)) is amended by adding at the end the following new subparagraph:

"(D) ARISING OUT OF ADMINISTRATION OF A COVERED COUNTERMEASURE.—The term 'arising out of administration of a covered countermeasure', when used with respect to a claim or liability, includes a claim or liability arising out of—

"(i) determining whether, or under what conditions, an individual should receive a covered countermeasure;

"(ii) obtaining informed consent of an individual to the administration of a covered countermeasure;

"(iii) monitoring, management, or care of an immediate site of administration on the body of a covered countermeasure, or evaluation of whether the administration of the countermeasure has been effective; or

"(iv) transmission of vaccinia virus by an individual to whom vaccinia vaccine was administered as provided by paragraph (2)(B)."

(i) TECHNICAL CORRECTION.—Section 224(p)(2)(A)(ii) of such Act (42 U.S.C. 233(p)(2)(A)(ii)) is amended by striking "paragraph (8)(A)" and inserting "paragraph (7)(A)".

(j) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 1770, SMALLPOX EMERGENCY PERSONNEL PROTECTION ACT OF 2003

Mr. BURR. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of H.R. 1770, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1770, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, the Chair will recognize Members for special order speeches without prejudice to the resumption of legislative business.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING AND COMMENDING HARDIN-SIMMONS UNIVERSITY'S 2003 WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I rise today to honor and commend the Hardin-Simmons University 2003 women's basketball team from Abilene, Texas, who have achieved an incredible record, including their first undefeated regular season in school history, a fifth straight American Southwest Conference Tournament title, and a fifth consecutive "Sweet 16" appearance in the NCAA Division 3 Tournament.

Our Cowgirls exhibited incredible determination and drive as they worked to set a new benchmark for their university. Their school, community, and district stand behind them and join in celebrating their accomplishments.

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When the basketball games first began the season, the university and the surrounding community knew this